

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
DIVISION

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
5/3/07  
MAR 30 2007

JAMES W. McCORMACK, CLERK  
By: [Signature] DEP. CLERK

CASE NO. \_\_\_\_\_

I. Parties

5:07CV000091 WRW/HDY

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff: Frederick Pennington, Jr.  
ADC # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of plaintiff: \_\_\_\_\_  
ADC # \_\_\_\_\_  
Address: \_\_\_\_\_

Name of plaintiff: \_\_\_\_\_  
ADC # \_\_\_\_\_  
Address: \_\_\_\_\_

This case assigned to District Judge Wilson  
and to Magistrate Judge Young

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

B. Name of defendant: Dr. Otis J. Gordon  
Position: Doctor

Place of employment: Doctor's Office Jefferson Regional Medical Center  
Address: \_\_\_\_\_

Name of defendant: Dr. Arnold  
Position: C.M.S. Medical Director  
Place of employment: Vanner Infirmary and Correctional Medical Services

Address: P.O. Box 600, Gandy, Ar. 71677

Name of defendant: Gandy, Ar. 71677 Da Connie

Position: Doctor

Place of employment: Correctional Medical Services,

and Vones and Community Unit U.A.C

Address: P.O. Box 600 and P.O. Box 500

Name of defendant: Dr. Ahmed

Position: Doctor

Place of employment: Arkansas Department of Correction

and Correctional Medical Services

Address: P.O. Box 600, Gandy, Ar. 71677

II. Are you suing the defendants in:

- ☒ official capacity only  
☐ personal capacity only  
☒ both official and personal capacity

Defendants continued  
on bottom of page 5

III. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_ No and yes

- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- ☐ Parties to the previous lawsuit:

Plaintiffs: Frederick Pennington, Jr.

Defendants: Wendy Kelly, et al

- ☐ Court (if federal court, name the district; if state court, name the county):

Eastern District of Arkansas

- ☐ Docket Number: 5:06-CV-00147
- ☐ Name of judge to whom case was assigned: Id. David Young
- ☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) Granted the right to appeal
- ☐ Approximate date of filing lawsuit: June 1, 2006
- ☐ Approximate date of disposition: October 27, 2006

IV. Place of present confinement: Varner Super Max, Arkansas Department of Corrections

V. At the time of the alleged incident(s), were you:  
(check appropriate blank)

- ☐ in jail and still awaiting trial on pending criminal charges
- ☒ serving a sentence as a result of a judgment of conviction
- ☐ in jail for other reasons (e.g., alleged probation violation, etc.)  
explain: \_\_\_\_\_

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No ☐

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes ☒ No ☐

not received timely medical treatment.

If not, why? I presented the grievances in  
case 5:06-CR-00144

# VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

In May of 2006 I was escorted to the Doctor's Office of the Jefferson Regional Medical Center in Pine Bluff, Arkansas, by Sgt Burton, and Sgt. Bently.

I was interviewed by A.P.N. Joe Colby. I then was interviewed by Dr. Otis J. Gordon, Gastroenterologist. Dr. Gordon told me that I had a thyroid problem, after I talk to Joe Colby, A.P.N. Joe Colby told me that a A.P.N. was a Assistant Practitioner Nurse, and that he had the authority to practice medicine.

On my way to the Doctors Office, Sgt. Burton, A.K.A. Sgt B.  
Statement of Claims continued on  
back of this page, and last page  
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Statement of Clivins Continued

also said that a nurse practitioner, or assistant nurse practitioner, could also practice medicine without the consent of a doctor, and prescribe medicine. I told Boy B. that my mother was a nurse, and I knew that a L.P.N. License Practical Nurse, and a Registered Nurse R.N. had more rank, and that the R.N. was the best nurse in the hospital, so don't be trying to trick me for them people who were lying about my medical treatment, because to many people had already died by being lied to by the medical staff, and by being denied their medical treatment in a timely manner, or in its entirety.

Soon as we got to the Doctor's office of the Jefferson Regional Medical Center J.R.M.C., Boy B. called the A.P.N., the cables in the room continued on back of next page

and told A.P.N., for Cobles to tell me that he could practice medicine and prescribe medication without a doctor's authority consent, and for Cobles said that he could. After I told him that I didn't believe him and about the rank of the A.P.N., the L.P.N., and the R.N., Dr. Otis J. Gordon, Gastroenterologist came on and talk with me. Dr. Gordon went through my medical jacket from the prison and said that I didn't have hepatitis A, that I didn't have hepatitis B and that I didn't have H.I.V., and that I had hepatitis C, and that he would treat me for hepatitis B and hepatitis C for a year, as soon as they cleared up the thyroid problem that appeared on my medical jacket. I told Dr. Gordon that no one had told me about a thyroid problem, and Dr. Gordon said that I would

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Page

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have to return to the prison and have them do the lab (bloodwork) to determine if I had a thyroid problem, and then I could return to the Det@office of the F.R.M.C. for a year for my medical treatment for hepatitis B, and hepatitis C, and that I would be up there a year for my treatment

In August or September, 2006 I was escorted to a room to see the doctor ~~Dr. Stephen Philips~~ Philips, and another field surgeon. There was a white doctor doing doctors call, and when I started to talk to him, he said that I had to see Dr. Arnold.

Dr. Arnold came to the room about 15 minutes later. When I began talking to Dr. Arnold

Continued on back of page 2

about the medical treatment for my hepatitis C, and what Dr. Gordon told me at the Dr.'s office of J.R.M.C. in Pine Bluff, Arkansas. Dr. Arnold then told me that I didn't meet the criteria for treatment for hepatitis C. That they gave inmates their treatment for hepatitis C under the Federal Bureau of Prisons F.B.O.P. guidelines, and that he would treat me for my thyroid.

I told Dr. Arnold I would accept my treatment for hepatitis C, and my thyroid, but I knew that if I had a thyroid problem why was I not told about it, or treated for it before I talk to Dr. Gordon and sued Correctional Medical Services, which I showed Dr.

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Continued from back of page 2

Arnold medical charts that I got from Mitchell Banks Odum, C.M.-B. Attorney. Dr. Arnold began to lie and try to deceive me, and say Dr. Gordon did not know what he was talking about, so I got up to leave and said that I was not refusing any medical treatment. Sgt. Philips, and the other police Doc Sargent escorted me back to the cellblocks without incident.

Dr. Gordon, Dr. Arnold, and Dr. Anderson all have lied to me, and I was not given timely medical treatment for my thyroid or hepatitis C, even though I met the criteria to receive medical treatment.

after my medical treatment at the J.R.M.C. in Pensacola, Fla. Dr. Connie Hubbard told me my thyroid was normal on April 17, 2007 in the presence of Sgt. Jackson. I didn't go to the J.R.M.C. until late March or the first of April 2007 and I have

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VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Final by jury injunction relief,  
Attorney fees, Court cost, \$10 Million  
Compensatory Damages, and \$20 Million  
Punitive Damages

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 29th day of April, 2007.

Continued

Name of Defendants

Jol Cobbe

Position A.P.N

Place of employment  
Jefferson Regional Medical

Center

Address

Sgt. Beatty

Surgent Pine Bluff Diag-

nosis Unit, A.D.C.

Address P.O. Box 8707

Pine Bluff, Ar. 71611

Frederick Pennington Jr.

Signature(s) of plaintiff(s)

Name of Defendant

Sgt. Burton

Position Surgent

Place of Employment

nt Pine Bluff Diag-

nosis Unit A.D.C.

Address P.O. Box 8707  
Pine Bluff, Ar. 71611

Use this instead of a sick call  
for medication complaints.

If medication is not available please  
complete and drop in sick call box.

To: DON/ADON

From: Inmate Name Frederick Penning - ADC# 71305 Bks. 552  
Date: 4-16-07

Re: Medication not available

Please list all medications that are not available.

Interferon  
Albunexon

I need my medical treatment for  
hepatitis C, stage 3, and stage 1 fibrosis -  
stage 3 inflammatory of the liver  
and stage 1 fibrosis of the Federal  
Bureau of Prison B.O.P. guidelines  
to treat prisoners in the  
U.S. as convicts with C.M. &  
health care workers, so that my  
health will stay better, would  
you please order my treatment  
as reported to La Conner  
Det. Jackson in the presence of  
Det. Jackson

Thank you  
Frederick Penning  
Note: You was seen for sick on 4/14/07

Pennington, Frederick #071305

CB 5-552

Rec'd  
17 Apr. 07